

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

May 3, 2019

Chief Justin Doll
Anchorage Police Department
4501 Elmore Road
Anchorage, AK 99507

Mayor Ethan Berkowitz
632 W 6th Avenue, Suite 840
Anchorage, AK 99501

Dear Chief Doll and Mayor Berkowitz,

We are writing to urge the Municipality of Anchorage to use its full legal authority to clean up the city's parks. Each year, the number and size of encampments with semi-permanent structures, fires, chop shops, and drug paraphernalia continue to grow. These encampments pose an existential threat to our community's economic future. Based on our understanding of the options available, we feel the city has not used its full authority to clear camps by removing structures and other materials.

Squatters/campers possess few legal rights that allow them to establish or maintain encampments on public land. The 9th Circuit has established the most restrictive case law related to municipal authority to address squatters/campers. The 9th Circuit holds that local governments may not prohibit sleeping in all public spaces if there is no indoor shelter space for indigent individuals (*Martin v. Boise*). The Municipality of Anchorage has ample space for individuals to sleep outside, including thousands of square acres in Chugach State Park. *Martin v. Boise* does not preclude localities from removing structures or otherwise abating waste left by drug addicts, thieves, and other squatters/campers. So long as Anchorage has some place individuals can sleep outside, case law does not limit removal of waste from the park system.

It is important for all of us to recognize the distinction between truly homeless people and the criminals who have exploited weaknesses in enforcement to establish camps in the park system. For those setting up camps to do drugs or create places for partying, we must address the problem with a different approach. We know that criminal activity and encampments established by drug addicts will not be solved or addressed at all by expansion of housing. While "housing first" is part of the solution to homelessness, it will not fix the problem of illegal encampments. To the contrary, failing to enforce prohibitions on encampments sends criminals a message that they can squat, build structures, and engage in criminal activity with impunity.

We are writing today because we hear from constituents about these issues all the time. They want to feel safe in our parks and on our trails. With summer here and more neighbors wanting

to get out, expanding encampments are a threat to public safety and our city's future as a place people want to live. Our ask is that the Municipality of Anchorage please start clearing encampments and disposing of waste therein immediately, as is the city's legal authority under Municipal code and case law. We look forward to working with you to improve public safety in our public spaces.

We appreciate your assistance on this matter.

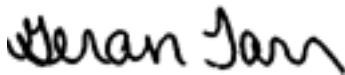
Thank you,

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Representative Zack Fields

A handwritten signature in black ink that reads 'Chris Tuck'.

Representative Chris Tuck

A handwritten signature in black ink that reads 'Geran Tarr'.

Representative Geran Tarr

A handwritten signature in black ink that reads 'Harriet G. Drummond'.

Representative Harriet Drummond

A handwritten signature in blue ink that reads 'Sara Rasmussen'.

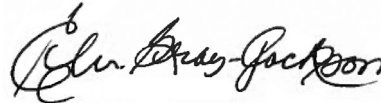
Representative Sara Rasmussen

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Representative Matt Claman

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Senator Tom Begich

A handwritten signature in black ink that reads 'Elm. Gray-Jackson'.

Senator Gray-Jackson

A handwritten signature in blue ink that reads 'Bill Wielechowski'.

Senator Bill Wielechowski